

REMARKS:

I. Introduction

In an Office Action mailed on May 29, 2009, the Examiner rejected claims 1 to 9. The present amendment cancels claims 2, 3, and 7 to 9, amends claims 1 and 4, and adds no new claims. Accordingly, claims 1 and 4 to 6 are now pending in this application.

II. Claim Rejections Pursuant to 35 U.S.C 112

The Examiner rejected claims 6 and 9 pursuant to 35 U.S.C 112, second paragraph, as indefinite. Claims 1 has been amended to delete the offending phrase. Claim 7 have been cancelled without prejudice as to reasserting the claim at a later date. Reconsideration and withdrawal of the rejection is requested.

III. Claim Rejections Pursuant to 35 U.S.C 103

(a) The Examiner rejected claims 1 to 3 pursuant to 35 U.S.C 103(a) as unpatentable over **Olsen et al.** (US 6,029,085) in view of **Hansen** (US 6,662,046).

In the light of this rejection, claim 1 has been amended to specify that the electrodes are electrically connected by a frangible connection which is broken when the electrodes are removed from the stowage location and separated for use, and that the defibrillator circuitry determines when the frangible connection is broken to complete a power supply circuit in the defibrillator housing for energizing the electrodes. This is essentially the subject matter of previous claim 2.

This amendment is clearly supported by the embodiment of Figures 11 to 19, wherein battery power is prevented from being applied to the defibrillator until a frangible link 41 is broken by removal and separation of the electrodes 14, despite the connector (battery housing) 102 being slid onto the defibrillator housing so that the electrodes 20, 26 engage the electrodes 30.

The effect of the amendment is that the defibrillator is designed in such a way that, even though the battery connector of the electrode assembly is electrically connected to the defibrillator, no power can be supplied to the defibrillator circuitry until the electrodes are removed from their storage location and separated sufficiently to break the link 41.

This is not described or suggested by Olson et al. or Hansen, individually or in combination.

In Olsen, although there is admittedly an electrode stowage location, the examiner concedes that Olson does not disclose or suggest the general idea that power-on occurs in response to the removal and deployment of the electrodes from the stowage location. Therefore Olson clearly cannot disclose the more specific concept of a frangible link, as now claimed in claim 1.

Hansen discloses that a defibrillator is automatically powered on when it is removed as a whole from a storage location. There is no suggestion that the powering on occurs when the electrodes are deployed. This is a highly significant distinction.

It is crucial that the defibrillator cannot be switched on inadvertently (losing vital power and safety) and even more important that the defibrillator cannot be switched off inadvertently - for example, in the process of resuscitation.

In Hansen the defibrillator is automatically switched on when it is removed from its storage location, and switched off when it is replaced. Therefore, Hanson will switch on even if the defibrillator is removed for cleaning or other servicing, using possibly unrecorded battery power. More seriously, it will switch off if it is replaced, even if the defibrillator is in use.

The present invention is more safety conscious in that it ties the automatic switch-on directly to the resuscitation process; the defibrillator will switch on only if the electrodes are themselves deployed. Also, it is not reversible - the defibrillator cannot be switched off inadvertently because the frangible link is only ever used once. Reliability is never an issue.

Hansen and the present invention are therefore entirely different conceptually and in implementation.

In the light of the foregoing we submit that the claim 1, and claims dependent therefrom, are patentably distinguished over the cited art. Reconsideration and withdrawal of the rejection is requested.

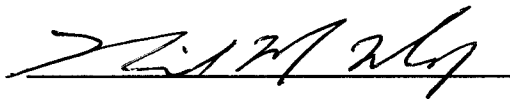
(b) The Examiner rejected claims 4 to 9 pursuant to 35 U.S.C 103(a) as unpatentable over **Olsen et al.** (US 6,029,085) in view of **Hansen** (US 6,662,046) and further in view of **Owen** (US 6,148,233).

Claims 4 to 6 are allowable as depending from allowable independent claim 1 as described above and independently allowable for novel and nonobvious matter therein. It is noted that Owen does not make up for the deficiencies of Olsen et al. and Hansen. Claims 7 to 9 have been cancelled without prejudice as to reasserting the claim at a later date. Reconsideration and withdrawal of the rejection is requested.

VI. Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,



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